

REMARKS

Claim 1 was presented for examination and was rejected. In the present amendment, claim 1 is cancelled and claims 2-25 have been added. Support for the amended claims can be found on page 42, line 21 to page 44, line 23 of the specification. No new matter has been introduced. Upon entry of the present amendment, claims 2-25 will be currently pending in this application, of which claims 1 and 14 are independent. Applicants submit that claims 2-25 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants respectfully traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

I. Claim 1 Rejected Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication No. 2003/0035413 to Herle et al. (“Herle”). Applicants respectfully traverse this rejection. Claim 1 is hereby cancelled, thereby mooted this rejection with respect to this claim. Applicants submit that Herle fails to disclose each and every element recited in new claims 2-25.

A. New Claims 2-25 Patentably Distinguished over Herle

Applicants hereby add new claims 2-25. Claims 2 and 14 are independent claims directed towards performing between proxies discovery of a maximum transmission unit of a path between a client and a server in a more efficient manner. These claims recite a first proxy determining a size for a path maximum transmission unit (PMTU) for transmitting network

packets between a client and a server. The first proxy repacketizes packets received from the client for transmission to the server into packet sizes in accordance with the size of the PMTU and transmits the repacketized packets to the server. A second proxy detects a packet received from transmission of repacketized packets from the first proxy is fragmented. In response to the detection, the second proxy transmits to the first proxy an acknowledgement packet marked with an indicator that fragmentation has occurred.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Herle does not disclose a second proxy transmitting to a first proxy an acknowledgement packet marked with an indicator that fragmentation has occurred in response to detecting a fragmented packet from transmission of packets repacketized by the first proxy in accordance with a determined PMTU size. Rather, in Herle, the Examiner cites a standard PMTU discovery process between a packet relay controller and a final destination. Herle does not describe using two proxies as in the claimed invention or transmitting an acknowledgement packet with a fragmentation indicator as described in the claimed invention. Thus, Herle fails to disclose each and every element of the claimed invention.

Because Herle fails to disclose, teach or suggest each and every element of independent claims 2 and 14, Applicants submit that claims 2 and 14 are patentable and in condition for allowance. Claims 3-13 depend on and incorporate all the patentable subject matter of independent claim 2, and claims 15-25 depend on and incorporate all the patentable subject matter of independent claim 14. Thus, Herle fails to detract from the patentability of these dependent claims. Accordingly, Applicants submit that claims 3-13 and 15-25 are also patentable and in condition for allowance.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

CHOATE, HALL & STEWART, LLP

Dated: August 13, 2007

/Christopher J. McKenna/

Christopher J. McKenna

Registration No. 53,302

Attorney for Applicants

Choate, Hall & Stewart, LLP

Two International Place

Boston, MA 02110

(617) 248-5000